

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STEPHEN D. SPEELMON,

Plaintiff,

v.

MITCHELL TUCKER and SMV
PACKERS, INC.,

Defendants.

CASE NO. C16-1526-JCC

ORDER

This matter comes before the Court on Defendants' motion to amend answer, affirmative defenses, and counterclaims (Dkt. No. 13). Defendants seek to add counterclaims against Plaintiff for negligence and indemnification. (*Id.* at 1–2.) Defendants' proposed counterclaims are based on injuries sustained by a crew member, Mr. Chris Logan, of the SALMON BEAUTY, who has asserted injury claims against Defendants in a separate action. (*Id.*) The pleading amendment/third-party action deadline was May 5, 2017. (Dkt. No. 12.) Defendants filed their motion to amend in time. (Dkt. No. 13.)

Plaintiff opposes the amendment, arguing that it would be futile because (1) Plaintiff has no direct liability to Mr. Logan under the Jones Act, and (2) Defendants have no remedy for indemnity under Washington partnership law. (Dkt. No. 14 at 4, 8.) While it is possible that Defendants' counterclaims against Plaintiff could be dismissed, this is a matter more

1 appropriately addressed on a motion to dismiss. The Court will not consider the merits of the
2 claims at this time. Accordingly, Defendants' motion for leave to amend answer, affirmative
3 defenses, and counterclaims (Dkt. No. 13) is GRANTED. Defendants shall file an amended
4 answer within 14 days of this order.

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6 DATED this 20th day of June, 2017.

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10 John C. Coughenour
11 UNITED STATES DISTRICT JUDGE
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